

READING FILE.

Service Date: February 19, 1981

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER of the Application	)	
by PACIFIC POWER AND LIGHT	)	UTILITY DIVISION
COMPANY to Adopt Increased Rates	)	
for Electric Service in The State of	)	DOCKET NO. 80.8.67
Montana.	)	

\* \* \* \* \*

ORDER REQUIRING WITNESS TO BE AVAILABLE  
FOR DEPOSITION AND EXTENDING TIME  
FOR FILING REBUTTAL TESTIMONY

\* \* \* \* \*

On February 6, 1981, Pacific Power & Light Company filed a motion asking the Commission to either (1) require Consumer Counsel witness Dr. Caroline Smith to appear at an appropriate time and place for deposition, or (2) strike the proposed testimony and exhibit of Dr. Smith. On February 10, 1981, the Consumer Counsel filed its response to the motion basically stating that it would not oppose the taking of Dr. Smith's deposition so long as the Company paid all of the costs associated with the deposition including Dr. Smith's expert witness fees.

The Commission has long maintained its preference that discovery be conducted on an informal "data request" basis whenever possible. However, when a party does decide that it is necessary to resort to the taking of a deposition, the Commission has maintained that the party should also be prepared to assume the costs which arise from such a formal undertaking.

The Commission shares the concern expressed by Consumer Counsel in its response that such costs must include not only the witness' lodging and travel but also the costs associated with the witness' time, i.e. expert witness fees. Otherwise it would be possible for utilities to greatly dilute Consumer Counsel's budget for expert witnesses.

Therefore the Commission does ORDER that Consumer Counsel witness Dr. Caroline Smith appear at an appropriate time and place for deposition on the condition that Pacific Power & Light Company agree to pay the following:

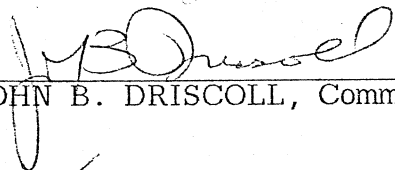
- 1) the witness' cost of lodging,
- 2) the witness' cost of transportation if the deposition requires a trip beyond that necessary to appear at the hearing, and
- 3) the witness' fees occasioned directly by the taking of the deposition.

Pursuant to motion by PP&L and no objection having been made by Consumer Counsel, it is also ORDERED that the time for filing rebuttal testimony be extended by four days.

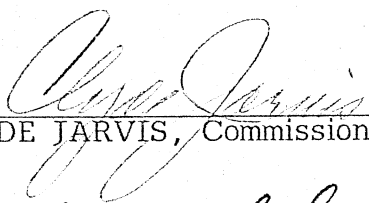
DONE AND DATED this 10th day of February, 1981, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

  
GORDON E. BOLLINGER, Chairman

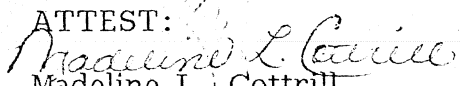
  
JOHN B. DRISCOLL, Commissioner

  
HOWARD L. ELLIS, Commissioner

  
CLYDE JARVIS, Commissioner

  
THOMAS J. SCHNEIDER, Commissioner

ATTEST:

  
Madeline L. Cottrill  
Secretary

(SEAL)